

REMARKS/ARGUMENTS

In response to the Office Action dated July 13, 2009, reconsideration is respectfully requested.

Discussion of Allowed Claims

The Examiner is respectfully thanked for the indication of allowance of claims 1-4 and 12-20.

Discussion of Allowable Claims

The Examiner is respectfully thanked for the indication that claims 9-11 would be allowed if rewritten in proper independent form. However, for reasons discussed below, independent claim 5, the base claim of claims 9-11, is believed to be in patentable condition.

Discussion of Rejections Under 35 U.S.C. §103

Claim 5-8 stand rejected under 35 U.S.C. §103(a) over cited portions of U.S. Patent No. 6,360,098 ("Ganesh") in view of cited portions of International Patent No. WO 96/13914 ("Ritz").

Independent claim 5 as amended recites in pertinent part:

5. An apparatus for selecting a best serving sector in a CDMA communication system, said apparatus comprising:

...
an accumulator, coupled to the comparator, for generating a delta credit for each of said plurality of signal levels received from said plurality of active sectors based on said difference and for incrementing a plurality of delta credit counters to produce a delta credit counter for each of said plurality of signals from each of said plurality of active sectors; and

a best sector identifier, coupled to the accumulator, for identifying said best serving sector from said delta credit counter. (underlining added to highlight)

Claim 8 has been amended for consistency.

Ganesh was cited at column 5, lines 49-50 for allegedly teaching “accumulating a plurality of delta credits to produce an accumulated delta credit for each of said plurality of signals...,” as previously recited in claim 5.

Claim 5 as amended recites an accumulator for “incrementing a plurality of delta credit counters to produce a delta credit counter for each of said plurality of signals...” An accumulator for incrementing a counter (more specifically a delta credit counter) is not taught by Ganesh’s signal strength comparison. The Examiner cited col. 5, ll. 44 and 49-50 as teaching the accumulator and that “signal strengths are collected/accumulated before comparisons are made...” Office Action, page 4. The collection/accumulation of signal strengths, however, does not teach “incrementing a plurality of delta credit counters” as recited in claim 5.

Ganesh was cited at column 6, lines 36-54 for the notion of a “neighbor list” of pilot channels from other sectors that can be used for demodulation by the receiver of the mobile station. *Id* at lines 36-40. Ganesh discusses calculating a neighbor list representing an “optimum” list of pilot channels for each sector. *Id* at lines 53-54. The Examiner characterized Ganesh’s optimum list as teaching “a best sector identifier, coupled to the accumulator, for identifying said best serving sector from said accumulated delta credit...” as previously recited in claim 5.

Claim 5 as amended recites “a best sector identifier, coupled to the accumulator, for identifying said best serving sector from said delta credit counter.” Ganesh’s optimum list of neighbor sectors does not fairly constitute the recited “delta credit counter.”

Ritz does not make up for the deficiencies noted above in Ganesh. Thus, for at least the foregoing reasons, claim 5 is neither taught by nor obvious in view of the cited art. Accordingly, claims 5-11 are believed to be allowable over the cited art.

CONCLUSION

In view of the foregoing, all claims now pending in this Application are believed to be in condition for allowance and an action to that end is respectfully requested.

It is believed that the instant response is filed within the shortened statutory period for response provided in the Office Action of July 13, 2009.

PATENT

If a fee is required for an extension of time under 37 CFR 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account. In the event that additional fees are required or credit is due, authorization is hereby given to charge or credit Deposit Acct. No. 17-0026.


If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned.

Respectfully submitted,

Dated:

11/13/09

By:

 45,183 62
Eric Ho, Reg. No. 39,711
(858) 658-2752

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Tel: (858) 658-2752
Fax: (858) 658-2502